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OFFICE OF PETITIONS

In re Application of
Kathy Maida-Smith, et al.
Application No. 09/990,194
Filed: November 21, 2001
Attorney Docket No. 66997.0102

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 29, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed December 18, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 19, 2002.

In view of the submission of the petition fee in the small entity amount of \$685, status as a small entity remains. If the application is, in fact, entitled to large entity status, petitioner should promptly file a petition under 37 CFR 1.28.

The petition was not accompanied by the response to the outstanding Office action of December 18, 2001 or by a letter of express abandonment; but indicates that the reply is the filing of a continuing application. In view of the statement that the reply is the filing of a continuing application, the above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

Retta Williams

Retta Williams
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